

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 181
SENATE BILL 1235

AN ACT

AMENDING SECTION 41-2632, ARIZONA REVISED STATUTES; RELATING TO COOPERATIVE
PURCHASING AGREEMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2632, Arizona Revised Statutes, is amended to
3 read:

4 41-2632. Cooperative purchasing authorized; definitions

5 A. Any public procurement unit may either participate in, sponsor,
6 conduct or administer a cooperative purchasing agreement for the procurement
7 of any materials, services, PROFESSIONAL SERVICES, CONSTRUCTION or
8 construction SERVICES with one or more public procurement units in accordance
9 with an agreement entered into between the participants. A nonprofit
10 educational or public health institution may enter into an agreement pursuant
11 to this section if one or more of the parties involved is a public
12 procurement unit. An agreement entered into as provided in this article is
13 exempt from section 11-952, subsections D and F. Parties under a cooperative
14 purchasing agreement may:

15 1. Sponsor, conduct or administer a cooperative agreement for the
16 procurement or disposal of any materials, services or construction.

17 2. Cooperatively use materials or services.

18 3. Commonly use or share warehousing facilities, capital equipment and
19 other facilities.

20 4. Provide personnel, except that the requesting public procurement
21 unit shall pay the public procurement unit providing the personnel the direct
22 and indirect cost of providing the personnel, in accordance with the
23 agreement.

24 5. On request, make available to other public procurement units
25 informational, technical or other services or software that may assist in
26 improving the efficiency or economy of procurement. The public procurement
27 unit furnishing the informational, technical or other services or software
28 has the right to request reimbursement for the reasonable and necessary costs
29 of providing these services or software.

30 B. The school facilities board or school districts, or both, may enter
31 into an agreement with a public procurement unit pursuant to this section for
32 the purpose of procuring materials and services needed to correct
33 deficiencies in school facilities ~~as determined in section 15-2021.~~

34 C. The activities described in this section do not limit what parties
35 may do under a cooperative purchasing agreement.

36 D. A nonprofit corporation operating as a public procurement unit
37 under this section, on request of the auditor general, shall provide to the
38 auditor general all documentation concerning any cooperative purchasing
39 transaction the public procurement unit administers under this section.

40 E. A nonprofit corporation operating as a public procurement unit
41 under this section shall comply with all procurement laws applicable to the
42 public procurement unit participating in a cooperative purchasing transaction
43 that the nonprofit corporation administers.

1 F. This section does not abrogate the responsibility of each public
2 procurement unit to ensure compliance with procurement laws that apply to the
3 particular public procurement, notwithstanding the fact that the cooperative
4 purchase is administered by a nonprofit corporation operating under this
5 section.

6 G. ANY PUBLIC PROCUREMENT UNIT CONDUCTING OR ADMINISTERING A
7 COOPERATIVE PURCHASING AGREEMENT FOR THE PROCUREMENT OF CONSTRUCTION SERVICES
8 OR PROFESSIONAL SERVICES SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 34-603
9 OR 41-2578.

10 H. FOR THE PURPOSES OF THIS SECTION:

11 1. "CONSTRUCTION SERVICES" HAS THE SAME MEANING PRESCRIBED IN SECTION
12 41-2503.

13 2. "PROFESSIONAL SERVICES" HAS THE SAME MEANING PRESCRIBED IN SECTION
14 41-2578.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.